



Nebraska Resources

Newsletter

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**New
agency numbers to
remember**

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.....Thank You

Welcome From the Director

Welcome to the first issue of *Nebraska Resources*, the Department of Natural Resources (DNR) official quarterly newsletter. With the passage of Legislative Bill 900 DNR was created effective July 1, 2000. Two state agencies with natural resources responsibilities, the Department of Water Resources and the Nebraska Natural Resources Commission were merged into one new agency, the Department of Natural Resources. The physical move of office equipment and staff has taken place over the past few months. We are now located in the southeast corner of the fourth floor of the Nebraska State Office Building in Lincoln and in five field offices located across the state (please see page four for locations).



For the most part, major responsibilities and programs of the agency have remained the same. Those not familiar with the DNR should know the agency has broad responsibilities in the areas of Nebraska's ground water, surface water, floodplain management, dam safety, natural resources planning and development and storage of natural resources and related data. The department participates in numerous federal, interstate, state and local studies and represents Nebraska in connection with interstate compacts and decrees. The agency also administers several state funds used to help conserve, protect and develop Nebraska's natural resources. A general organization chart with agency divisions can be found on page four of this newsletter.

Future issues of this newsletter will highlight ongoing agency activities we think are important to our readers. Service to the citizens of Nebraska through the proper utilization, management and conservation of our resources is the goal of the agency.

Agency staff and I look forward to working with Nebraska's decision makers, citizens and all others interested in Nebraska's natural resources. Nebraska's soil and water resources have always played an important role in the lives of it's citizens and will continue to contribute to the well being of the state and it's citizens, well into the future.

Surface Water Administration Summary

By Susan France

The Department's field offices were very busy this season administering surface water rights under the "first in time is first in right" doctrine. To try to assure that water users in water short areas have available the amount of water granted under their permits, the Department first regulates all permits to the amount of their ap-

propriation. If water then is not available to any user holding a valid appropriation, upstream permits with junior (newer) priority dates are shut off so that downstream permits with senior (older) priority dates may be satisfied.

In the Upper Platte River, North Platte River and South Platte River Basins administration began as normal with approximately 163 regulating no-

tices being sent and 33 closing notices being sent in April. The closing notices were to individuals or canals that failed to file the required reports of intent to irrigate. In June, closing notices to appropriators began because of insufficient flows to meet the instream flow requirements at Duncan. The instream

Continued on page 3

Extension of Platte River C.A. Being Considered

By Jim Cook

The formulation process continues for the proposed Platte River program for endangered species. The Cooperative Agreement under which that formulation is taking place is **currently set to expire on December 31 of this year**. However, the Department of Interior has indicated that it cannot complete preparation of the required Environmental Impact Statement in time to finalize a proposed program. In addition, the states have much work left to be done before the governors can decide whether a comprehensive basinwide program is really in the interests of the states. With all of this in mind, it is certain that an extension of the Cooperative Agreement will be needed. **A two-year extension has been proposed.** That proposal, which would keep the Cooperative Agreement in place until December 31, 2002, has already been endorsed by the parties and milestones to complete during the

additional two years were being developed when this article was prepared. A decision will be made before the end of the year.

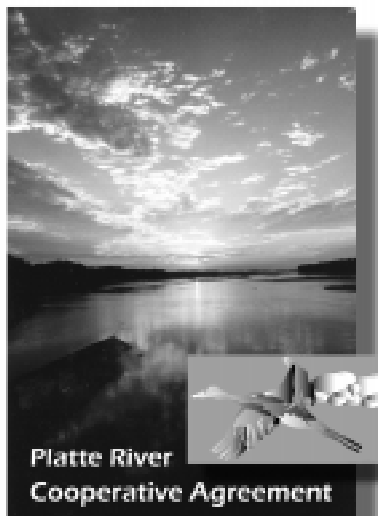
While an extension is needed to allow completion of all activities, some elements of the proposed program are essentially done. For example, a water action plan that lists potential projects for reducing the annual shortage to target flows by an average of approximately 60,000 acre-feet has been assembled and provided to the Governance Committee. Eight of the thirteen projects that will be subjected to further feasibility studies before any final decisions are made are in Nebraska. A list of those projects and additional information about them can be obtained from the Department of Natural Resources.

Nebraska and Wyoming are also continuing to develop their new depletion plans. Completion of Nebraska's

plan is dependent upon the development of groundwater/surface water models through the Cooperative Hydrology Study funded in part by the Environmental Trust. The initial models are scheduled to be finished by July 1, 2001. Refinement of those models and assessment of the results produced by those models will be needed before the full impact of a new depletions plan can be understood by the entities involved and Nebraskans in general. That work will continue into 2002. A new application has been submitted to the Environmental Trust for partial funding of those additional activities. A decision on that application will not be made by the Environmental Trust board until next spring.

One other significant issue has arisen in the last several months. That is the extent to which the Platte River is currently degrading, i.e. narrowing and deepening, and whether introduction of additional clean "sediment hungry" water, would further exacerbate that problem. As this article is being prepared, the analysis of that issue was at a relatively preliminary stage.

Further updates of the Cooperative Agreement process will be provided in future issues of this newsletter.



Platte River Cooperative Agreement Study Area



Shorts

Norma Sitzman Retires

Norma Sitzman retired from her position as manager of the Frenchman Valley Irrigation District and H&RW Irrigation District on June 30, 2000.

Norma started with the two districts in 1966 as temporary office help, was then hired as a full-time secretary, and in 1985 was promoted to District Manager. Norma also served as the secretary/treasurer of the Nebraska State Irrigation Association for ten years, and is on the Governor's Republican River Basin Advisory Council. Agency staff wish Norma the best in retirement.



The Department of Natural Resources held an open house October 26, 2000. Among the 200 plus guests who toured the agency was Governor Mike Johanns. Governor Johanns spoke with staff and Commission members and presented Dayle E Williamson with an award for appreciation of his dedicated service to the State.

Husker Harvest Days 2000

The Department of Natural Resources participated at the Resources Tent during HHD 2000. An estimated 7,000 plus people visited the tent and were able to receive information from over a dozen agencies and organizations. DNR staff answered questions on agency programs and activities and checked individual water well registration data for accuracy. Other activities in the tent included Health and Human Services individual water well sampling for nitrate levels, a tree give-a-way, display of working water meters, NRD programs and a wealth of other information.

Surface Water Administration Summary Continued from page 1

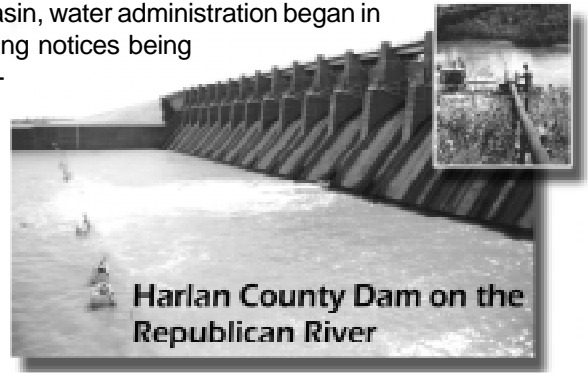
flow permit is held by the Nebraska Game and Parks Commission and has a 1993 priority date. On June 20 an additional 72 rights were closed because of insufficient flow for Cozad Canal and Orchard Alfalfa Canal water rights. Cozad has an 1894 water right and Orchard-Alfalfa's is 1895. One additional right was closed on Blue Creek for Graf Canal's appropriation that has an April 2, 1894 right. Throughout the summer, many permits were opened or closed because of fluctuating flows in the Platte River from McConaughy to the mouth of the Platte. For much of the summer (between June 30 and August 23) water rights upstream from Cozad and junior to 1894 were shut down.

In the Republican River Basin, water administration began in June with regulating and closing notices being sent throughout the basin. Administration begins when reservoir releases are made and canals begin delivering water. On Medicine and Red Willow Creeks and the Republican River above Cambridge Canal the Department closes those appropriations junior to April 3, 1946. On Frenchman Creek, the Department closes appropriations junior to May 16, 1890 for Culbertson Canal. Several appropriations throughout the basin were closed for not having installed a meter. Once meters are installed, senior appropriations are opened. Water administration was lifted beginning on August 15 for Frenchman Creek, and August 25 for Red Willow Creek, Medicine Creek, and the Republican.

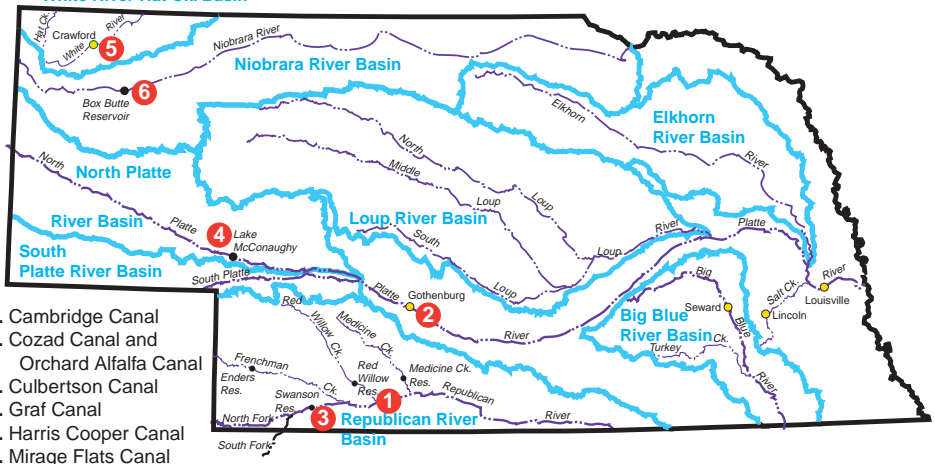
The Loup River, Elkhorn River and Salt Creek Basins were all regulated for the first time for protection of the instream flow appropriations on the Lower Platte River. Over 2,000 regulating notices were mailed on July 31, followed on August 8 with closing notices for over 100 appropriations junior to the November 30, 1993 instream flow appropriation. These orders are still in effect as of the date this is written because flows at Louisville are still insufficient to meet the instream appropriation.

An unusual dry spring caused administration on Turkey Creek in the Big Blue River Basin from June 9 until June 12 when a rain helped the area. Then in August, administration occurred on the Big Blue River above Seward from August 14 until August 17.

Water rights above and junior to the Mirage Flats Canal in the Niobrara River Basin were closed from June 28 until September 6. On July 6, five storage rights on the White River above the Harris Cooper Canal were closed and remain closed. Starting July 8 and ending July 18, 11 Hat Creek appropriations were closed for protection of riparian rights. As of September 14, 40 appropriations were closed for protection of riparian rights. These 40 rights remain closed. Throughout the state the Department found several individuals pumping without permits and they were closed.



White River-Hat Ck. Basin





The Department of Natural Resources maintains five field offices located across the state.



1. Bridgeport Field Office

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P.O. Box 787
Bridgeport, Nebraska 69336-0787
Phone: 308-262-1930
Fax: 308-262-1939

2. Cambridge Field Office

Luther Bldg., 401 Nasby
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Cambridge, Nebraska 69022
Phone: 308-697-3730
Fax: 308-697-3200

3. Lincoln Field Office

301 Centennial Mall South
P.O. Box 94676
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Fax: 402-471-6598

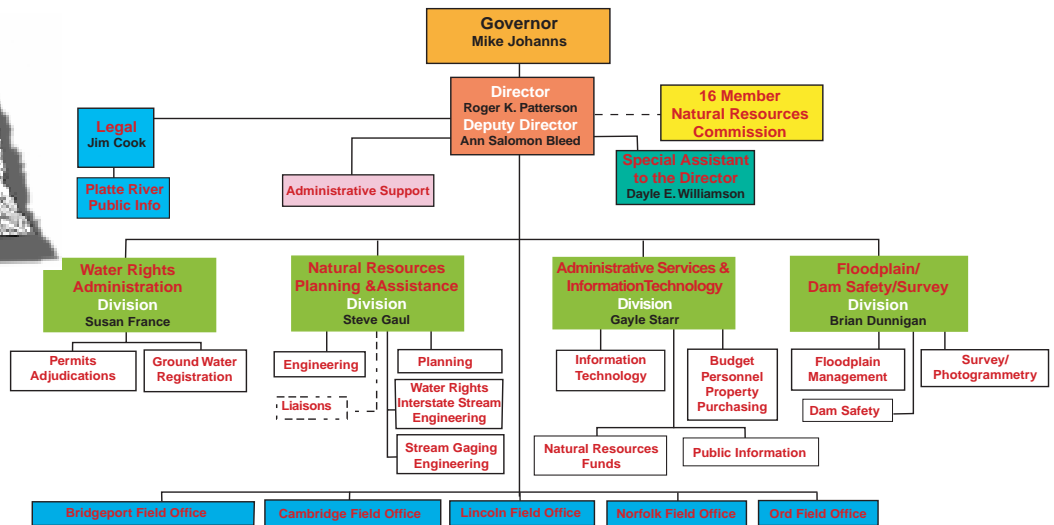
4. Norfolk Field Office

601 East Benjamin Ave., Suite 101
P.O. Box 1451
Norfolk, Nebraska 68702
Phone: 402-370-3377
Fax: 402-371-0653

5. Ord Field Office

North Highway 11
P.O. Box 251
Ord, Nebraska 68862
Phone: 308-728-3325
Fax: 308-728-9969

Nebraska Department of Natural Resources Organization Chart



Update on Kansas V. Nebraska Litigation

By David D. Cookson, Attorney General's Office

In 1943 the States of Colorado, Kansas and Nebraska entered into the Republican River Compact ("Compact") with the approval of Congress. The Compact outlined the Virgin Water Supply in the river basin and allocated that supply among the three States. In 1959 the first annual meeting of the Republican River Compact Commission ("RRCA") was held. At that meeting, the RRCA began to discuss, among other things, how it should determine the annual Virgin Water Supply, the annual allocations to the States and the States' annual consumptive use. It was not until 1964, however, that the RRCA adopted formulas to make these determinations. The formulas that were adopted included the supposed impact of wells located in the alluvium. In 1978, the RRCA began adjusting the virgin water supply and allocations based on the formulas.

In the mid-1980's, Kansas began to take a more aggressive posture relative to Nebraska's use of water. By the late 1980's and through the early 1990's Kansas began to complain that Nebraska was consuming more water than was allocated to it in certain tributary sub-basins. Nebraska responded to the Kansas complaints by noting that Kansas generally received from Nebraska volumes of water that were in excess of Kansas' allocations. Nebraska further noted that Kansas generally re-

ported using only about one-third of the water delivered to Kansas. Unpersuaded by the Nebraska response, Kansas filed a Motion for Leave to File Bill of Complaint with the United States Supreme Court in May of 1998.

On January 19, 1999, the United States Supreme Court granted Kansas leave to file its Bill of Complaint. The Supreme Court on June 21, 1999, postponed the appointment of a special master and invited Nebraska to file a motion to dismiss on the issue of whether the Compact restricts a States consumption of groundwater. Nebraska filed its motion to dismiss on August 2, 1999. Kansas opposed Nebraska's motion. After extensive briefing, the Supreme Court referred the matter to Special Master, Vincent L McKusick on November 15, 1999. Special Master McKusick subsequently held a hearing on the motion to dismiss on January 4, 2000. On January 28, 2000, the Special Master issued his First Report containing the following recommendation to the Supreme Court: "The Republican River Compact restricts a compacting State's consumption of groundwater to the extent the consumption depletes stream flow in the Republican River Basin and, therefore, Nebraska's Motion to Dismiss should be denied."

The Supreme Court invited "exceptions" (similar to an appeal) to the Special Master's First Report and all case activities were suspended pending the resolution of the "exceptions". Both Nebraska and Colorado filed exceptions to the Special Master's First Report. On June 29, 2000, the Supreme Court issued an order that denied Nebraska's motion to dismiss without comment. The Court did not expressly rule on the exceptions. On October 15, 2000, the Special Master held a status conference hearing in Kansas City, Missouri to set the schedule for the case preparation and trial. At the present time, trial is scheduled to begin in March of 2003.



2000 State of Nebraska Employee and Supervisor/Manager of the Year Awards

Governor Mike Johanns proclaimed the month of October 2000 as State of Nebraska Employee Recognition Month 2000. A ceremony honoring agency supervisors/managers and employees of the year was held in the rotunda of the State Capital Building on October 27. The Nebraska Department of Natural Resources had two recipients for each award, the selection process took place before the agency merger was official. In addition to the recognition ceremony for Employees/Managers-of-the-Year several ceremonies were held across the state recognizing state employees celebrating 10, 15, 20, 25, 30, 35, 40 and 45 years of service.

Presented with a Supervisor/Manager of the Year Award for the Natural Resources Commission was Gayle Starr, a 35-year veteran in state government. During his long tenure as the agency Administrative Officer, with responsibility for agency budgets and personnel, his excellent "people skills" have been a tremendous asset to the organization and will continue to be utilized within the new agency. Gayle is highly recognized by the "land and water conservation" public both in Nebraska as well as other states and is called upon often for his straightforward advise and his outstanding memory. Gayle lives in Lincoln with his wife and has two grown children.



Receiving the Supervisor/Manager of the Year Award for the Department of Water Resources was Karl Wadas, supervisor of the Ord Field Office with three employees. Karl celebrates 32 years of service with the agency this December and is a "people person." Karl enjoys the outdoors, likes to fish and hunt, and help farmers/ranchers solve problems and help make decisions, hopefully right decisions about their water use. Karl dislikes "red tape" and feels "nothing is simple anymore". He enjoys family activities, lives on a farm with his wife and has four children.

The Employee of the Year Award for the Department of Water Resources went to Lynn Koehne, an employee with 30-years of service to the State of Nebraska, 2 years with the Department. Lynn works in the Water Rights Administration Division of the agency, where her time is spent taking care of water well registrations, modifications, well abandonment, change of ownership and corrections. She is "amazed with the interesting and incredible records management system, 113,000 records on microfilm, a very organized system." Lynn enjoys working with the public. "People call and are sometimes upset, they don't understand the laws. If I can answer their questions and have them understand, I'm successful."



A 15-year employee with the Natural Resources Commission, Jill Richters, received the Employee of the Year Award from the agency. An Administrative Assistant, Jill works with natural resources districts personnel on the Nebraska Soil and Water Conservation Program and the Water Well Decommissioning Fund. Besides the two state funds, Jill is involved with personnel matters and was busy with the merger process. She enjoys working with the NRD's and others involved with the programs and gets satisfaction from having answers to questions asked about the funds. Jill lives in Seward with her husband and two young boys.

The Department of Natural Resources is very fortunate to have dedicated people like these four examples working for it. The agency and their fellow staff members congratulate them all on being honored and presented with their individual awards. Congratulations also goes to the eight staff members receiving Length of Service Awards this year.

Employees recognized with
Length of Service Awards
were:

Leonard Beall.....	10 years
Terry Green.....	10 years
Jill Richters.....	15 years
Rick Kern.....	25 years
Mahendra Bansal....	30 years
Jim Cook.....	30 years
Lynn Koehne.....	30 years
Gayle Starr.....	35 years



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State of Nebraska

Mike Johanns, Governor

Nebraska

Department of Natural Resources

Roger K. Patterson, Director

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Nebraska Department of Natural Resources....

....dedicated to the long-term management, proper utilization and planning of Nebraska's land and water resources.